

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 21**

**LA HUNTINGTON HEALTHCARE LLC D/B/A  
HUNTINGTON HEALTHCARE CENTER**

**Employer/Petitioner**

**and**

**Case 21-RM-237552**

**SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 2015**

**Union**

**DECISION AND DIRECTION OF ELECTION**

As explained below, a manual election is directed in this matter.

On March 21, 2019, the Region conducted a representation hearing in this case. Upon commencement of the hearing, the parties reached stipulations covering all litigable issues. The sole issues on which the parties were unable to agree were the method of the election and the date of the election. The hearing officer properly concluded that the determination of the method of the election and the date of the election, like the place of an election, were matters for administrative decision by the Regional Director. *Manchester Knitted Fashions*, 108 NLRB 1366 (1954); *Halliburton Services*, 265 NLRB 1154 (1982); *Odibrecht Contractor of Florida*, 326 NLRB 33 (1998); and *CEVA Logistics U.S. Inc.*, 357 NLRB No. 60 (2011). Accordingly, the hearing officer permitted the parties to provide their positions solely to assist the Regional Director in making this determination.

The Employer is a California limited liability company which is engaged in the provision of in-patient skilled nursing care.

The parties stipulated, and I find, that the following employees constitute an appropriate unit for purposes of collective bargaining:

**Included:** All full-time, regular part-time, and on-call dietary employees, housekeeping employees, nursing employees, laundry employees, maintenance employees, and activity assistants employed by the Employer at its facility, currently located at 4515 Huntington Drive South, Los Angeles, CA 90032-1940.

**Excluded:** All bookkeepers, professional employees, supervisory licensed vocational nurses (LVN), guards, and supervisors as defined in the Act.

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>1</sup>

3. The Union is a labor organization as defined in Section 2(5) of the Act and claims to represent certain employees of the Employer.

4. The parties stipulated that the unit was certified on June 15, 2015 in Case 21-RC-152279 and the collective-bargaining agreement between the Employer and the Union is expired and the parties have been engaged in bargaining over a new collective-bargaining agreement.

5. As stipulated by the parties, the following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

**Included:** All full-time, regular part-time, and on-call dietary employees, housekeeping employees, nursing employees, laundry employees, maintenance employees, and activity assistants employed by the Employer at its facility, currently located at 4515 Huntington Drive South, Los Angeles, CA 90032-1940.

**Excluded:** All bookkeepers, professional employees, supervisory licensed vocational nurses (LVN), guards, and supervisors as defined in the Act.

### **DIRECTION OF ELECTION**

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 2015.

---

<sup>1</sup> The parties stipulated as follows: The Employer, LA Huntington Healthcare LLC, d/b/a Huntington Healthcare Center, a California limited liability company, with its principal office located at 4515 Huntington Drive South, Los Angeles, California 90032, is engaged in the provision of in-patient skilled nursing care. During the past 12 months, a representative period, in conducting its operations described above, the Employer derived gross revenues in excess of \$100,000 and purchased and received at its Los Angeles, California goods valued in excess of \$5,000 from other enterprises, including TwinMed, located within the State of California, each of which other enterprises had received these goods directly from points outside the State of California.

**A. Election Details<sup>2</sup>**

The election will be held on **Thursday, April 11, 2019, from 2:00 p.m. to 4:00 p.m. in the First Floor Conference Room of the Employer's facility located at 4515 Huntington Drive South, Los Angeles, CA 90032-1940.**

**B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending **March 10, 2019**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

**C. Voter List**

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Tuesday, March 26, 2019**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

---

<sup>2</sup> At the hearing, the Employer took the position that a manual, on-site election would be the most appropriate manner to conduct the election, while the Union contended that a mail ballot election was necessary to ensure a fair result because employees' schedules are scattered throughout a 24-hour period. However, all the members of the petitioned-for unit work at the same work location. Furthermore, the Union represented at the hearing that an election date during a particular week would be appropriate, and the parties stipulated to a polling time from 2:00 p.m. to 4:00 p.m. As a result, the Union is unable to demonstrate a sufficient geographic or schedule "scatter" which would warrant directing a mail ballot election. *San Diego Gas and Electric*, 325 NLRB 1143 (1998).

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015](http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015).

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

#### **D. Posting of Notices of Election**

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

### **RIGHT TO REQUEST REVIEW**

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: March 22, 2019



---

Nathan Seidman, Acting Regional Director  
National Labor Relations Board, Region 21  
US Court House, Spring Street  
312 North Spring Street, 10th Floor  
Los Angeles, CA 90012